

E-Filed on: 9/15/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

3278 ALESANDRO DRIVE,  
SAN JOSE, CALIFORNIA,

Defendant.


No. C-02-02050 RMW

ORDER REGARDING APRIL 14, 2003  
FORFEITURE ORDER

On April 14, 2003, pursuant to a stipulation of settlement between the United States and all claimants in this action, this court issued a Forfeiture Order that within 150 days of the order claimants Anthony Phan and Amy Tran are to issue a cashiers check of \$210,000 payable to the United States Customs Service. The Order provided that upon receipt of said funds the United States shall dismiss the Complaint for Forfeiture and release the *lis pendens* against the real property. In the event the government does not receive said funds within 150 days, judgment shall be entered in favor of the United States and against defendant.

Nothing has been filed in this action either dismissing the Complaint or seeking judgment. The court would like the government to file, by September 27, 2006, either a dismissal of the complaint and release of *lis pendens* pursuant to the stipulation of settlement or a response to this order informing the court why dismissal is not appropriate.

DATED: 9/14/06

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiff:**

3 Robert D. Ward  
4 U.S. Attorney's Office  
5 450 Golden Gate Avenue  
6 Box 36055  
7 San Francisco, CA 94102

6 **Counsel for Defendants:**

7 Jerry Y. Fong  
8 Carey & Carey  
9 706 Cowper Street  
10 P.O. Box 1040  
11 Palo Alto, CA 94302-1040  
12 650-328-5510x3  
13 Fax: 650-853-3632  
14 Email: jf@careyandcareylaw.com

12 Ian M. Comisky  
13 Blank Rome Comisky & McCauley LLP  
14 One Logan Square  
15 Philadelphia, PA 19103

15 Counsel are responsible for distributing copies of this document to co-counsel that have not  
16 registered for e-filing under the court's CM/ECF program.

18 **Dated:** 9/15/06

SPT  
**Chambers of Judge Whyte**